

IN THE UNITED STATES  
District Court For the Northern  
District of Illinois

Banks vs Asch, Superintendent of EMHC  
**FILED**

7-8-08

J.N

JUL 14 2008  
Jul 14, 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Civil no: 08cv0468

John Hibbler

NOTICE OF FILING

PLEASE TAKE NOTICE the PETITIONER HAS  
Cause to be SERVED on the CLERK of the  
United States District Court, A MOTION FOR RELIEF  
From JUDGMENT on ORDER pursuant to Rule 60(b)  
(a), (5), (6).....

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE the PETITIONER HAS  
Cause to be SERVED on the CLERK of the United  
States District Court, A MOTION FOR RELIEF  
From JUDGMENT on ORDER pursuant to Rule 60(b)  
(a), (5), (6). The petitioner SENT the MOTION From  
Lehman Drive P.O. Box 81 CHESTER, IL 62233

Respectfully Submitted  
Jarry M. Banks, Inc



IN The UNITED STATE DISTRICT COURT  
For The Northern District  
OF Illinois.

7-8-08

Banks VS Abraham

**FILED**

JUN

JUL 14 2008

JUL 14, 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

Civil No. 08 cv 2468

MOTION For Relief from Judgment  
or order, pursuant to Rule 60(b)(2)&(5),(6)

NOW COMES, PETITIONER IN WANT OF COUNSEL  
AND MOVES the COURT For A MOTION For Relief  
From Judgment or order, pursuant to Rule 60(b)  
(2)&(5),(6).....

**STATEMENT OF CASE**

THE PETITIONER filed A writ OF HABEAS CORPUS  
pursuant to 28 U.S.C. 2241(c)(3) with the Federal  
Forum due to the facility the PETITIONER WAS  
AND it lacked a Constitutional Acceptable  
Law Library, and A Constitutional Acceptable  
Alternative Means For the petitioner to Redress  
himself to the court. The PETITIONER WAS IN  
WANT OF COUNSEL, due to the procedural Due  
process, which the D.H.S. (Department OF  
Human Service) DENYS such pre-Trial Detainee's  
To Attack A Judgment OF the State Trial

COURT. THE PETITIONER WAS TRANSFERRED to "CHESTER MENTAL Health CENTER" WHERE THERE'S NO CONSTITUTIONAL ACCEPTABLE "law library" nor NO CONSTITUTIONAL ALTERNATIVE MEANS FOR A PRE-TRIAL Detainee to Redress themselves to the court. The Petitioner was and is still being Prejudice, By Such Action(s) of the "State facility." The petitioner has given written notice to The Administration. The PETITIONER states the conditions of confinement in D.H.S custody Denies the privileges, which the UNITED STATES Constitution Affords to citizens and Non-citizens. The PETITIONER has Filed A Civil Suit pursuant to TITLE 28 U.S.C. §1983 It Before the Honorable Judge Dow.

THE PETITIONER STATES HE EXHAUSTED THE REQUIREMENT, SEE: SPENCER VS MURRAY 18 F.3d 237, 239 (4th cir 1994); To Satisfy the exhaustion requirement a habeas petitioner must fairly present his claims to the state's highest court. The petitioner submitted A Writ of HABEAS CORPUS to the highest court, and it WAS DENIED, without opinion. SEE ATTACHMENT WHICH WERE DENIED... BASSETTE VS THOMPSON 915 F.2d 932, 937 (4th cir 1990); 499 U.S. 982, 111 Sct 1639, 113 L ed.2d 734 (1991)

## NEWLY DISCOVERED EVIDENCE

THE PETITIONER STATES THE "STATE ACTORS" HAVE TAKEN THE ORIGINAL AFFIDAVIT OF PROBABLE CAUSE OUT OF THE PUBLIC RECORDS, AND HAVE CHARGE THE PETITIONER WITH CHARGES WHICH DOESN'T REFLECT THE ORIGINAL PRELIMINARY TRANSCRIPT OF 11-6-06. THE PETITIONER STATE "HE" ORDER TWO COPIES OF THE RECORDS CERTIFIED, AND THE CLERK DENISE BARNES ORDER THE RECORDS, AND THE DOCUMENT, WHERE MISSING, THE PETITIONER CALLED 181, 51 WENTH WORTH CHICAGO, IL 60601, THE CLERK MR. SIMMONS INFORMED THE PETITIONER HE WOULD ORDER A COPY OF THE DEAD FILE NO: 06M1143099A01. THE PETITIONER CALLED THE CLERK, AND HE TOLD THE PETITIONER THE CASE WAS CALLED PROSECUT, DISMISSED. THE CASE WERE 720 ILCS 5/12-4 (a) AGGRAVATED BATTERY, 625-5.0/16-2, 9-36-030, 625-5.0/3-707 ONE OF THE CASE WERE NON SUIT.

THE PETITIONER STATES THE ATTORNEY WHO REPRESENTED THE PETITIONER WAS FORCED ON THE PETITIONER TO GIVE THE COURTS JURISDICTION, THIS CAUSE IRREPARABLE INJURIES, WHICH CAN NOT BE REPAIRED, DUE TO THIS THE ATTORNEY CAN OACE ALQXIDRIA WAIVE THE PETITIONER RIGHTS TO CHALLENGE THE CHARGE INSTRUMENT, BY FILING A MOTION TO QUASH ARREST, AND SUPPRESS EVIDENCE.

THE PETITIONER STATES HE'S A 31 year old without any legal Training, and is in want of Counsel, due to the Facility lacking A Constitutional Law Library or A Constitutional ALTERNATIVE MEANS for one to REDRESS himself to the court.

THE PETITIONER STATES THERE'S NUMEROUS AMOUNT OF EVIDENCE to SET FORTH to the court, But the Facility want Ablaow the PETITIONER the Right to Get Copies, and the Right to Get case Law to Set FORTH his Argument.

### CONDITIONS OF CONFINEMENT

THE PETITIONER STATE(S) the Facility doesn't HAVE A Constitutional Acceptable Law Library or a Constitutional Acceptable Alternative Means for A pre-Trial Detainee to Redress himself to the court. THE PETITIONER is in a Mental institution, and Being Enforced to medication, with a court order for the date of 6-7-08 7-8-08, the Facility Says the PETITIONER is Deceitful, because OF the Request for Materials which the Facility doesn't have for pre-Trial Detainees, this Leaves the pre-Trial Detainee's helpless without NO Forum to Address Civil Rights Violations, Such as the 28 U.S.C. § 2241(c)(3) or 42 U.S.C. § 1983.

THE Petitioner prays the court will grant the Petition, because the petitioner case raise "Special circumstances, For and (1) the prosecution has committed A criminal offense By Removal Document from the Petitioner case. (2) The petitioner has Suffered irreparable injuries that amount to Equitable Relief. (3) The Court lack Jurisdiction To Hear the case Before the Honorable Judge ADAM BOURGEOIS Violated the Petitioner's Rights to proceed pro-se. (4) Sixth Amendment Rights Amount to irreparable Damages, and the No Repairing Such Damages. (5) The petitioner has Exhausted State Remedies, To Satisfy Exhaustion Requirement, Habeas Petitioner must fairly present claim to State's highest court. 28 U.S.C. § 2254(b, c). (6) The statute 28 U.S.C. § 2241(c) Deals with a state pre-Trial Detainee taking his illegal Detainment in the State Custody, by way of statute, Constitutional Violation or Violation of A Treaty, in the Petitioner case the "State Actors" have Violated Petitioner 4th 6th 8th 14th Amendment Rights, and this has cause irreparable injuries, and the "State Actors" can-not Repair Such Damages they have Done to Violated the petitioner Constitutional Rights.

DUE TO THE D.H.S. DENYING the Detainee's to REDEESS themselves, the Detainee is Being

DENIED EQUAL PROTECTION OF THE LAW, and  
 CAN-NOT GET A Fair Chance to REDRESS  
 himself, and this cause irreparable injuries  
 which amount to EQUITABLE RELIEF, For the  
 Court to GRANT AND PRELIMINARY INJUNCTION  
 pursuant to 28 U.S.C. § 2283. THE PETITIONER doesn't  
 have ANY LEGAL MATERIAL to REDRESS himself,  
 in the two CASE Before the "Federal Forum"  
 07CV 5654 & 07CV 0784 the Court have appoint-  
 ed Pro-Bono counsel to Assist in the same  
 issues which he have ADDRESS in the WRIT  
 OF HABEAS CORPUS 28 U.S.C. § 2241 (c)(3).....

### STAY PROCEEDING PENDING UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT.

THE PETITIONER prays the court correct  
 the Judgment entered, AND STAY PROCEEDING  
 PENDING UNCONSTITUTIONAL CONDITIONS OF  
 CONFINEMENT. THE PETITIONER stays with an  
 ATTORNEY OR LEGAL BOOKS OR NEXUS UEXUS,  
 AND WEST LAW, the Detainee is helpless, and  
 IF Such Appeal was Accepted by the SEVENTH  
 CIRCUIT the PETITIONER wouldn't BE Afforded  
 EQUAL protection of law, because the Facility  
 Denys the Detainee's the RIGHT to REDRESS the  
 Court.

RESPECTFULLY SUBMITTED  
 Gary M. R., INC